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Attorney for Plaintiff,
 DIGITECH IMAGE TECHNOLOGIES, LLC

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

<p>DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. ELECTRONICS FOR IMAGING, INC., Defendant.</p>	<p>CASE NO. SACV 12-01324-ODW (MRWx)</p> <p>[PROPOSED] ESI ORDER</p> <p>Judge: Hon. Otis D. Wright, II</p>
<p>DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. PANASONIC CORPORATION and PANASONIC CORPORATION OF NORTH AMERICA, Defendant.</p>	<p>CASE NO. SACV 12-01667-ODW (MRWx)</p> <p>[PROPOSED] ESI ORDER</p> <p>Judge: Hon. Otis D. Wright, II</p>

1 2 3 4 5 6 7	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. BUY.COM, INC., Defendant.	CASE NO. SACV 12-01668-ODW (MRW _x) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
8 9 10 11 12 13 14	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. BEST BUY CO., INC.; BEST BUY STORES, LP; BESTBUY.COM LLC, Defendants.	CASE NO. SACV 12-01669-ODW (MRW _x) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
15 16 17 18 19 20 21 22	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. CANON INC. and CANON U.S.A., INC., Defendants.	CASE NO. SACV 12-01670-ODW (MRW _x) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II

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2	DIGITECH IMAGE	CASE NO. SACV 12-01671-ODW
3	TECHNOLOGIES, LLC,	(MRW _x)
4	Plaintiff,	
5	v.	[PROPOSED] ESI ORDER
6	B&H FOTO & ELECTRONICS	
7	CORP.,	Judge: Hon. Otis D. Wright, II
8	Defendant.	
9	DIGITECH IMAGE	CASE NO. 8:12-CV-01673-ODW
10	TECHNOLOGIES, LLC,	(MRW _x)
11	Plaintiff,	
12	v.	[PROPOSED] ESI ORDER
13	SAKAR INTERNATIONAL, INC.	
14	d/b/a VIVITAR,	Judge: Hon. Otis D. Wright, II
15	Defendant.	
16	DIGITECH IMAGE	CASE NO. 8:12-CV-01675-ODW
17	TECHNOLOGIES, LLC,	(MRW)
18	Plaintiff,	
19	v.	[PROPOSED] ESI ORDER
20	LEAF IMAGING LTD (d/b/a	
21	Mamiyaleaf), and MAMIYA	Judge: Hon. Otis D. Wright, II
22	AMERICA CORPORATION,	
23	Defendants.	
24	DIGITECH IMAGE	CASE NO. SACV 12-01676-ODW
25	TECHNOLOGIES, LLC,	(MRW _x)
26	Plaintiff,	
27	v.	[PROPOSED] ESI ORDER
28	OLYMPUS CORPORATION AND	
	OLYMPUS IMAGING AMERICA,	Judge: Hon. Otis D. Wright, II
	INC.,	
	Defendant.	
	DIGITECH IMAGE	CASE NO. SACV 12-01677-ODW

1 2 3 4 5 6	TECHNOLOGIES, LLC, Plaintiff, v. LEICA CAMERA AG and LEICA CAMERA INC., Defendants.	(MRW _x) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
7 8 9 10 11 12 13	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. SONY CORPORATION; SONY CORPORATION OF AMERICA; and SONY ELECTRONICS INC., Defendants.	CASE NO. SACV 12-01678-ODW (MRW _x) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
14 15 16 17 18 19	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. FUJIFILM CORPORATION, Defendant.	CASE NO. SACV 12-01679-ODW (MRW _x) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
20 21 22 23 24 25 26	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. GENERAL IMAGING CO., Defendants.	CASE NO. 8:12-cv-01680-ODW (MRW _x) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
27 28	DIGITECH IMAGE TECHNOLOGIES, LLC,	CASE NO. SACV 12-01681-ODW (MRW _x)

1 2 3 4 5	Plaintiff, v. SIGMA CORPORATION ET AL., Defendant(s).	[PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
6 7 8 9 10 11	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. TARGET CORPORATION, Defendant.	CASE NO. SACV 12-01683-ODW (MRWx) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
12 13 14 15 16 17 18	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. NIKON CORPORATION AND NIKON INC., Defendant.	CASE NO. SACV 12-01685-ODW (MRWx) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
19 20 21 22 23 24	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. MICRO ELECTRONICS, INC., Defendant.	CASE NO. SACV 12-01686-ODW (MRWx) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
25 26 27 28	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. OVERSTOCK.COM, INC.,	CASE NO. SACV 12-01687-ODW (MRWx) [PROPOSED] ESI ORDER

1	Defendant.	
2		Judge: Hon. Otis D. Wright, II
3		
4	DIGITECH IMAGE	CASE NO. SACV 12-01688-ODW
5	TECHNOLOGIES, LLC,	(MRW _x)
6	Plaintiff,	[PROPOSED] ESI ORDER
7	v.	
8	NEWEGG INC. and	
9	NEWEGG.COM INC.,	Judge: Hon. Otis D. Wright, II
10	Defendants.	
11	NEWEGG INC.	
12	Counter-Plaintiff,	
13	v.	
14	DIGITECH IMAGE	
15	TECHNOLOGIES, LLC	
16	and ACACIA RESEARCH	
17	CORPORATION	
18	Counter-Defendants.	
19	DIGITECH IMAGE	CASE NO. SACV 12-01689-ODW
20	TECHNOLOGIES, LLC,	(MRW _x)
21	Plaintiff,	[PROPOSED] ESI ORDER
22	v.	
23	PENTAX RICOH IMAGING	
24	COMPANY, LTD., PENTAX	Judge: Hon. Otis D. Wright, II
25	RICOH IMAGING AMERICAS	
26	CORP., RICOH COMPANY,	
27	LTD., AND RICOH AMERICAS	
28	CORP.,	
	Defendants.	
	DIGITECH IMAGE	CASE NO. SACV 12-01693-ODW
	TECHNOLOGIES, LLC,	(MRW _x)
	Plaintiff,	[PROPOSED] ESI ORDER

1 2 3 4	v. XEROX CORPORATION, Defendant.	Judge: Hon. Otis D. Wright, II
5 6 7 8 9 10	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. KONICA MINOLTA BUSINESS SOLUTIONS, U.S.A., INC., Defendants.	CASE NO. SACV 12-01694-ODW (MRWx) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
11 12 13 14 15 16	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. CDW LLC, Defendant(s).	CASE NO. SACV 12-01695-ODW (MRWx) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
17 18 19 20 21 22 23 24 25 26 27 28	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. VICTOR HASSELBLAD AB and HASSELBLAD USA INC., Defendants.	CASE NO. 8:12-cv-01696-ODW (MRWx) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II

1 2 3 4 5 6 7	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. CASIO COMPUTER CO LTD, CASIO AMERICA, INC., Defendants.	CASE NO. SACV 12-01697-ODW (MRW) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
8 9 10 11 12 13 14	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. ASUS COMPUTER INTERNATIONAL and ASUSTEK COMPUTER INC., Defendants.	CASE NO. SACV 12-02122 ODW (SSx) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
15 16 17 18 19 20	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. MOTOROLA MOBILITY LLC, et al., Defendants.	CASE NO. SACV 12-02123-ODW (MRWx) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II
21 22 23 24 25 26 27	DIGITECH IMAGE TECHNOLOGIES, LLC, Plaintiff, v. APPLE, INC. Defendants.	CASE NO. SACV 12-02125 ODW (MRWx) [PROPOSED] ESI ORDER Judge: Hon. Otis D. Wright, II

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Defendants Electronics for Imaging, Inc., Panasonic Corporation, Panasonic

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2 Corporation of North America, Buy.com, Inc., Best Buy Co., Inc., Best Buy Stores,
3 LP; Bestbuy.com LLC, Canon Inc., Canon U.S.A., Inc., B & H Foto & Electronics
4 Corp., Sakar International, Inc. d/b/a Vivitar, Leaf Imaging LTD (d/b/a
5 Mamiyaleaf), Mamiya America Corporation, Olympus Corporation, Olympus
6 Imaging America, Inc., Leica Camera AG, Leica Camera Inc., Sony Corporation,
7 Sony Corporation of America, Sony Electronics, Inc., Fujifilm Corporation,
8 General Imaging Co., Sigma Corporation et al., Target Corporation, Nikon
9 Corporation, Nikon Inc., Micro Electronics, Inc., Overstock.com, Inc., Pentax
10 Ricoh Imaging Company, Ltd., Pentax Ricoh Imaging Americas Corp., Ricoh
11 Company, Ltd., Ricoh Americas Corp., Newegg Inc., Newegg.com, Inc., Acacia
12 Research Corporation, Xerox Corporation, Konica Minolta Business Solutions,
13 U.S.A., Inc., Victor Hasselblad AB and Hasselblad USA Inc., Casio Computer Co
14 Ltd, Casio America, Inc., ASUS Computer International, ASUSTek Computer Inc.,
15 Motorola Mobility, LLC et al., Apple Inc. and CDW LLC (collectively
16 “Defendants”), and the Third-Party Defendant in the *Newegg* case, Acacia Research
17 Corporation, through their respective counsel of record, hereby move that the Court
18 enter this Order regarding Electronically Stored Information.

19 1. This Order supplements all other discovery rules and orders. It
20 streamlines Electronically Stored Information (“ESI”) production to promote a
21 “just, speedy, and inexpensive determination” of this action, as required by Federal
22 Rule of Civil Procedure 1.

23 2. This Order may be modified for good cause. The parties shall jointly
24 submit any proposed modifications within 30 days after the Federal Rule of Civil
25 Procedure 16 conference. If the parties cannot resolve their disagreements regarding
26 these modifications, the parties shall submit their competing proposals and a
27 summary of their dispute.
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2 3. Costs will be shifted for disproportionate ESI production requests
3 pursuant to Federal Rule of Civil Procedure 26. Likewise, a party's nonresponsive
4 or dilatory discovery tactics will be cost-shifting considerations.

5 4. A party's meaningful compliance with this Order and efforts to
6 promote efficiency and reduce costs will be considered in cost-shifting
7 determinations.

8 5. General ESI production requests under Federal Rules of Civil
9 Procedure 34 and 45 shall not include metadata absent a showing of good cause.
10 However, fields showing the date and time when an email was sent and received, as
11 well as the complete distribution list, shall generally be included in the production.

12 6. General production requests under Federal Rules of Civil Procedure
13 34 and 45 shall not include ESI or email or other forms of electronic
14 correspondence (collectively "ESI"). To obtain ESI parties must propound specific
15 ESI production requests.

16 7. ESI production requests shall only be propounded for specific issues,
17 rather than general discovery of a product or business.

18 8. ESI production requests shall be phased to occur after the parties have
19 exchanged initial disclosures and basic documentation about the patents, the prior
20 art, the accused instrumentalities, and the relevant finances. While this provision
21 does not require the production of such information, the Court encourages prompt
22 and early production of this information to promote efficient and economical
23 streamlining of the case.

24 9. Email production requests shall identify the custodian, search terms,
25 and time frame. In the event non-email ESI is in the possession of specific
26 custodians, non-email ESI production requests shall also identify the custodian,
27 search terms, and time frame. The parties shall cooperate to identify the proper
28 custodians, proper search terms and proper timeframe.

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2 10. Each requesting party shall limit its email (and, where applicable, non-
3 email ESI) production requests to a total of five custodians per producing party for
4 all such requests. The parties may jointly agree to modify this limit without the
5 Court's leave. The Court shall consider contested requests for up to five additional
6 custodians per producing party, upon showing a distinct need based on the size,
7 complexity, and issues of this specific case. Should a party serve email (and, where
8 applicable, non-email ESI) production requests for additional custodians beyond the
9 limits agreed to by the parties or granted by the Court pursuant to this paragraph,
10 the requesting party shall bear all reasonable costs caused by such additional
11 discovery.

12 11. Each requesting party shall limit its email (and, where applicable, non-
13 email ESI) production requests to a total of five search terms per custodian per
14 party. The parties may jointly agree to modify this limit without the Court's leave.
15 The Court shall consider contested requests for up to five additional search terms
16 per custodian, upon showing a distinct need based on the size, complexity, and
17 issues of this specific case. The search terms shall be narrowly tailored to particular
18 issues. Indiscriminate terms, such as the producing company's name or its product
19 name, are inappropriate unless combined with narrowing search criteria that
20 sufficiently reduce the risk of overproduction. A conjunctive combination of
21 multiple words or phrases (*e.g.*, "computer" and "system") narrows the search and
22 shall count as a single search term. A disjunctive combination of multiple words or
23 phrases (*e.g.*, "computer" or "system") broadens the search, and thus each word or
24 phrase shall count as a separate search term unless they are variants of the same
25 word. Use of narrowing search criteria (*e.g.*, "and," "but not," "w/x") is encouraged
26 to limit the production and shall be considered when determining whether to shift
27 costs for disproportionate discovery. Should a party serve email (and, where
28 applicable, non-email ESI) production requests with search terms beyond the limits

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2 agreed to by the parties or granted by the Court pursuant to this paragraph, the
3 requesting party shall bear all reasonable costs caused by such additional discovery.

4 12. The receiving party shall not use ESI that the producing party asserts is
5 attorney-client privileged or work product protected to challenge the privilege or
6 protection.

7 13. Pursuant to Federal Rule of Evidence 502(d), the inadvertent
8 production of a privileged or work product protected ESI is not a waiver in the
9 pending case or in any other federal or state proceeding.

10 14. The mere production of ESI in a litigation as part of a mass production
11 shall not itself constitute a waiver for any purpose.

12 15. By entering into this Order, the Parties do not consent to any ESI
13 discovery and do not waive their rights to seek a protective order in lieu of
14 responding to any ESI discovery request, and also to seek reimbursement for the
15 costs of bringing a motion for protective order.

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Dated: March 18, 2013 Jones Day

By: /s/
FRANK P. COTE

Attorneys for Defendant
Electronics for Imaging, Inc.

Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

By: /s/
CHRISTOPHER P. BRODERICK

Attorneys for Defendants
Panasonic Corporation And Panasonic
Corporation of North America

Dated: March 18, 2013 Dorsey & Whitney LLP

By: /s/
CASE COLLARD

Attorneys for Defendant Buy.com Inc.

Dated: March 18, 2013 Robins, Kaplan, Miller & Ciresi L.L.P.

By: /s/
MICHAEL A. GEIBELSON

Attorneys for Defendants
Best Buy Co., Inc., Best Buy Stores, LP, and
Bestbuy.Com LLC

Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

By: /s/

Attorneys for Defendants
Canon Inc. and Canon U.S.A., Inc.

1 Dated: March 18, 2013 Kaye Scholer LLP

2
3 By: /s/

4 OSCAR RAMALLO

5 Attorneys for Defendant
6 B & H Foto & Electronics Corp.

7 Dated: March 18, 2013

Kohan Law Firm
Ezra Sutton & Associates, P.A.

8
9 By: /s/

10 K. TOM KOHAN

11 Attorneys for Defendant and
Counter-claimant Sakar International, Inc.

12 Dated: March 18, 2013

Greenburg Traurig, LLP

13
14 By: /s/

15 J. RICK TACHÉ

16 Attorneys for Defendant
Mamiya America Corporation

17 Dated: March 18, 2013

Greenburg Traurig, LLP

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19 By: /s/

20 J. RICK TACHÉ

21 Attorneys for Defendant
Leaf Imaging Ltd.

22 Dated: March 18, 2013

Orrick, Herrington & Sutcliffe LLP

23
24 By: /s/

25 CHRISTOPHER P. BRODERICK

26 Attorneys for Defendants
27 Olympus Corporation and Olympus Imaging
28 America, Inc.

1 Dated: March 18, 2013 Crowell & Moring LLP

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3
4 By: /s/ DANIEL A. SASSE
DANIEL A. SASSE

5 Attorneys for Defendants
6 Leica Camera AG and Leica Camera Inc.

7 Dated: March 18, 2013 Finnegan, Henderson, Farabow, Garrett &
8 Dunner, LLP

9 By: /s/
10 LIONEL M. LAVENUE

11 Attorneys for Defendants
12 Sony Corporation, Sony Corporation of
America, and Sony Electronics Inc.

13 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

14
15 By: /s/
CHRISTOPHER P. BRODERICK

16 Attorneys for Defendant
17 Fujifilm Corporation

18 Dated: March 18, 2013 Knobbe, Martens, Olson & Bear, LLP

19
20 By: /s/
JON W. GURKA

21 Attorneys for Defendant
22 General Imaging Company
Orrick, Herrington & Sutcliffe LLP

23 Dated: March 18, 2013

24
25 By: /s/
CHRISTOPHER P. BRODERICK

26 Attorneys for Defendants
27 Sigma Corporation and Sigma Corporation of
America
28

1 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

2
3 By: /s/

4 CHRISTOPHER P. BRODERICK

5 Attorneys for Defendant
6 Target Corporation

7 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

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9 By: /s/

10 CHRISTOPHER P. BRODERICK

11 Attorneys for Defendants
12 Nikon Corporation and Nikon, Inc.

13 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

14 By: /s/

15 CHRISTOPHER P. BRODERICK

16 Attorneys for Defendant
17 Micro Electronics, Inc.

18 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

19 By: /s/

20 CHRISTOPHER P. BRODERICK

21 Attorneys for Defendant
22 Overstock.com, Inc.

23 Dated: March 18, 2013 The Webb Law Firm

24 By: /s/

25 CECILIA R. DICKSON

26 Attorneys for Defendants
27 Newegg Inc. and Newegg.com Inc. and
28 Counter-Plaintiff Newegg Inc.

1 Dated: March 18, 2013 DLA Piper LLP (US)

2
3 By: /s/

4 RICHARD DE BODO

5 Attorneys for Defendants
6 Pentax Ricoh Imaging Co., Ltd.; Pentax Ricoh
7 Imaging Americas Corporation; Ricoh
Company, Ltd.; and Ricoh Americas Corp.

8 Dated: March 18, 2013 Ballard Spahr LLP

9 By: /s/

10 ROSINA M. HERNANDEZ

11 Attorneys for Defendant
12 Xerox Corporation

13 Dated: March 18, 2013 Orrick, Herrington & Sutcliffe LLP

14 By: /s/

15 CHRISTOPHER P. BRODERICK

16 Attorneys for Defendant
17 Konica Minolta Business Solutions, U.S.A.,
Inc.

18 Dated: March 18, 2013 Marshall, Gerstein & Borun LLP
19 Gibson, Dunn & Crutcher LLP

20 By: /s ANTHONY S. GABRIELSON/

21 ANTHONY S. GABRIELSON

22 Attorneys for Defendant
23 CDW LLC

24 Dated: March 18, 2013 Renner, Otto, Boisselle & Sklar, LLP

25 By: /s/

26 MARK C. JOHNSON

27 Attorneys for Defendants
28 Victor Hasselblad AB and Hasselblad USA
Inc.

1 Dated: March 18, 2013 Sills Cummis & Gross P.C.

2
3 By: /s/

4 SCOTT D. STIMPSON

5 Attorneys for Defendants
6 Casio America, Inc. and Casio Computer Co.,
Ltd.

7 Dated: March 18, 2013 Turner Boyd LLP

8
9 By: /s/

10 JOSHUA M. MASUR

11 Attorneys for Defendants
12 ASUS Computer International and ASUSTeK
Computer Inc.

13 Dated: March 18, 2013 Bostwick & Jassy LLP
Kilpatrick Townsend & Stockton LLP

14
15 By: /s/

16 GARY L. BOSTWICK

17 Attorneys for Defendant
Motorola Mobility LLC

18 Dated: March 18, 2013 Jones Day

19
20 By: /s/

21 FRANK P. COTE

22 Attorneys for Defendant
23 Apple Inc.

24 **SO ORDERED.**

25 DATED: _____

26 _____
27 Hon. Otis D. Wright, II
28 UNITED STATES DISTRICT JUDGE

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